
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

GENENE PROBST MILES,

Plaintiff,

vs.

DELTA AIR LINES, INC.,

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:19-CV-97-DAK-DBP

Judge Dale A. Kimball

Magistrate Judge Dustin B. Pead

This matter is before the court on Plaintiff's Motion to Extend Time for Expert Disclosures and Reports [ECF No. 46] and Defendant's Motion for Extension of Time to Produce Defendant's Expert Disclosures and Reports [ECF No. 45].

The court finds excusable neglect with respect to Plaintiff's missed disclosure of experts and expert reports. The failure to file disclosures appears to have been an honest mistake that Plaintiff's counsel took efforts to avoid. But the court acknowledges that mistakes can still happen. Upon learning of the mistake, Plaintiff's counsel has taken steps to address the problem. The delay does not appear prejudicial to Defendant. Defendant has experts ready to respond. The court, therefore, moves all deadlines in the case by 60 days. Although Plaintiff sought to keep the trial date, the court believes at least 6 months between the dispositive motion deadline and trial are necessary. The court prefers to have a ruling on dispositive motions before the parties prepare motions in limine and jury instructions.

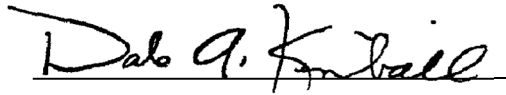
Because Defendant's Motion for Summary Judgment is based in part on Plaintiff's lack of an expert witness, it is denied without prejudice. The court does not want to hear serial

motions for summary judgment in the case. Because issues regarding expert witnesses may change during expert discovery, Defendant should refile its Motion for Summary Judgment after the close of expert discovery.

Accordingly, Plaintiff's Motion to Extend Time for Expert Disclosures and Reports [ECF No. 46] is GRANTED and Defendant's Motion for Extension of Time to Produce Defendant's Expert Disclosures and Reports [ECF No. 45] is GRANTED. However, all deadlines in the case are moved 60 days. The court will reset the trial date. In addition, Defendant's Motion for Summary Judgment is DENIED WITHOUT PREJUDICE as moot in part and premature.

DATED this 15th day of March, 2022.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge